

6386/02

PARTIALLY ACCESSIBLE

LIMITE

**SIS 13
COMIX 119**

OUTCOME OF PROCEEDINGS

of : WORKING PARTY ON SIS (MIXED COMMITTEE EU/NORWAY AND ICELAND)

on : 12 February 2002

Subject : Summary of discussions

1. Adoption of the agenda

The agenda as set out in telex No 381 of 25 January 2002 was adopted with the following modification:

- addition of point 3b: budget for reinforcement of the test team

2. Report of the Presidency

The Chairman of the SIS-TECH WP reported on the results of the SIS-TECH WP held on 6 February 2002.

3. Financial aspects

3. a Annual report of approved installation expenditure of 2001

The meeting approved document 6122/02 SIS 9 COMIX 97, which sets out the annual report of approved installation expenditure for 2001.

3. b Budget for reinforcement of the test team

The meeting approved document 5775/02 SIS-TECH 27 COMIX 59, which sets out a request for budget for the reinforcement of the test team in view of the migration of the SIS traffic onto SISNET.

4. Data quality

4. a Search criteria concerning issued documents

The Chairman of the SIS-TECH WG presented document 5776/02 SIS 28 COMIX 60, which reflects the opinion of the SIS-TECH WG about the modifications that should be grouped with the modifications for the search criteria on issued documents. The document also gives a first estimation of the time and costs it will require to implement these modifications.

The Chairman of the SIRENE WG reported that all 5 SIRENE delegations which answered the question, were of the opinion that the modifications should be implemented as soon as possible and thus preferably in the SIS 1+.

It was decided that a final decision would be taken once the complete information on time and costs as well as the final opinion of the SIRENE WG were available. To this end, it was decided that ATOS would be invited to make a proposal to implement these changes at the C.SIS side.

4. b Data quality checks

The Presidency presented document 11502/4/01 REV 4 SIS-TECH 214 COMIX 589, which sets out a proposal of the SIS-TECH WG for data quality checks to be performed.

As there were no objections, it was found that this group in principle agreed on the checks proposed in the document.

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5. Security policy

The Spanish delegation presented document 6124/02 SIS 10 COMIX 98 RESTREINT, which sets out a proposal for guidelines for data security. Delegations were invited to study the document in view of a detailed debate at the next meeting.

6. Follow-up of the Action Plan against terrorism

The Austrian and Belgian delegations presented their respective documents 13920/01 SIS 98 COMIX 721 and 14193/01 SIS 103 COMIX 745, which both set out proposals as a follow-up of the action plan against terrorism.

It seemed that most delegations generally agree with the ideas expressed in these documents and that they should be taken into consideration when discussing the requirements for the SIS. However, it was stated that if the documents need to be presented to the higher groups, they would have to be adapted to take account of progress that has been made since they were drafted.

Furthermore, document 5969/02 SIS 7 COMIX 79 was discussed extensively point by point. The Presidency explained that for the requirements that were set out by the Ministers, this group did not have to decide on the principle but only on how to implement them.

NOT ACCESSIBLE TO THE PUBLIC delegations had a general scrutiny reservation on the whole document.

Simplifying the procedures for introducing alerts under Article 99(3)

It was agreed that the SIRENE WG should study on how the procedures for introducing alerts under Article 99(3) could be simplified in order to increase the input of such alerts.

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Access for security and intelligence services

There was general agreement on the proposal that access to the SIS could be given to those services which, according to national legislation, have a responsibility to combat terrorism. In accordance with the obligation of Article 101(4), each State would then have to give a detailed list of which authorities are covered by this definition.

NOT ACCESSIBLE TO THE PUBLIC entered a scrutiny reservation.

Restricted access terrorist database

As most delegations were not in favour of having alerts in the SIS that would only be accessible to a limited number of officers and moreover feared that such a database might overlap with the Europol database, the UK delegation, who made this proposal, was invited to re-consider its position on this matter.

There was, however, general agreement on the proposal to create the possibility to add information to certain alerts and foresee special procedures to deal with this information. The Presidency would contact the Working Group on Terrorism to get input on what kind of information it would be useful to add.

7. SIS requirements

The Presidency presented document 5970/02 SIS 8 COMIX 80 concerning the access of Europol to the SIS but since the document was only available in Spanish, it would be discussed at the next meeting.

Meanwhile, the SIS-TECH WG was invited to examine how such access could be organised but since there was no decision on the principle yet, this was not a priority.

A detailed discussion was held on chapter 2 and 3 of document 5968/02 SIS 6 COMIX 78. **NOT ACCESSIBLE TO THE PUBLIC** noted a general scrutiny reservation.

Access for vehicle registration authorities

There were no objections on this proposal and the Presidency would therefore request advice from the Legal Service about the legal basis for implementing this requirement.

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Extended access for authorities issuing residence permits to data on issued documents

There were no objections on this proposal and the Presidency would therefore request advice from the Legal Service about the legal basis for implementing this requirement.

Access for Eurojust

It was agreed that, once the decision setting up Eurojust and the related declaration about the access to the SIS was adopted by the Council, the Presidency would contact the Eurojust WP to get detailed information about the data Eurojust wants access to, what purposes they will use it for and the way this access should be organised.

New categories of objects

The Presidency will propose for the next meeting a draft text for an open clause concerning new categories of objects to be introduced in the SIS as well as a list of (perfectly identifiable) objects that could be included. A flexible decision procedure would have to be set up allowing to include objects of the list in the SIS.

Addition of certain particulars on wanted persons or objects

There is general agreement that it is necessary to create the possibility to add certain particulars on wanted persons or objects. However, several delegations stressed that adding this information could never be made compulsory. **NOT ACCESSIBLE TO THE PUBLIC**, while setting a scrutiny reservation on this issue, suggested that the addition of covert or intelligence markers should not be limited to Article 99 alerts.

NOT ACCESSIBLE TO THE PUBLIC noted a scrutiny reservation.

Interlinking of alerts

There were no objections to this proposal but it will be specified that the link between the alerts must be certain and proven.

Determination of the storage period of SIRENE files

It was agreed that the SIRENE WG could examine what the storage period for SIRENE files should be. It was specified that a common rule defining this period would not prejudice national legislation on this matter.

The Chairman stated that he would report on the results of this debate to the Chairman of the Article 36 Committee in view of a Presidency report to this Committee on this subject.

8. Other business

No issues were discussed under this point.

9. Confirmation of decisions, prepared in the Mixed Committee, by the Council Working Party on the SIS

- Agenda point 3a approved document 6122/02 SIS 9
3b approved document 5775/02 SIS-TECH 27
